

UNITED STATES DISTRICT COURT

for the
Eastern District of North Carolina

FILED

APR 16 2010

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

Robert Wayne Fiscus
Plaintiff

v.

Tracy Johns, Warden
Defendant

Civil Action No.

5:10-HC-2062

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: FCI Butner

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My take-home pay or wages are: \$ _____ per (specify pay period) _____

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|---|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

Prison Job - 40\$ A month, Money from Friends and brother rarely - 40\$ every few months.

4. Amount of money that I have in cash or in a checking or savings account: \$ Ø.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

None - N/A

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

None - N/A

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

None - N/A

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

None - N/A

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 4-1-2010


Applicant's signature

Robert Fiscus

Printed name

Inmate Statement



Inmate Reg #:	07820081	Current Institution:	Butler FCC
Inmate Name:	FISCUS, ROBERT	Housing Unit:	BUT-M-A
Report Date:	03/31/2010	Living Quarters:	M04-167L
Report Time:	6:29:06 PM		

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount Ending Balance
BUX	3/10/2010 1:47:09 PM	33			Sales	(\$57.96)	\$0.41
BUX	3/8/2010 8:25:05 AM	JIPP0210			Payroll - IPP	\$56.40	\$58.37
BUX	2/24/2010 1:13:23 PM	12			Sales	(\$39.15)	\$1.97
BUX	2/10/2010 1:35:03 PM	26			Sales	(\$4.40)	\$41.12
BUX	2/10/2010 1:32:25 PM	25			Sales	(\$43.86)	\$45.52
BUX	2/10/2010 5:19:25 AM	70151601			Lockbox - CD	\$40.00	\$89.38
BUX	2/8/2010 8:42:42 AM	JIPP0110			Payroll - IPP	\$49.30	\$49.38
BUX	1/20/2010 1:04:03 PM	24			Sales	(\$2.90)	\$0.08
BUX	1/13/2010 1:34:45 PM	27			Sales	(\$45.81)	\$2.98
BUX	1/8/2010 8:32:03 AM	JIPP1209			Payroll - IPP	\$48.58	\$48.79
BUX	12/30/2009 1:39:22 PM	37			Sales	(\$19.89)	\$0.21
BUX	12/19/2009 5:17:43 AM	70148301			Lockbox - CD	\$10.00	\$20.10
BUX	12/16/2009 1:09:56 PM	15			Sales	(\$12.75)	\$10.10
BUX	12/11/2009 5:12:34 AM	70147701			Lockbox - CD	\$9.95	\$22.85
BUX	12/9/2009 1:38:16 PM	37			Sales	(\$53.85)	\$12.90
BUX	12/7/2009 8:48:02 AM	JIPP1109			Payroll - IPP	\$66.40	\$66.75
BUX	11/18/2009 1:18:13 PM	21			Sales	(\$2.60)	\$0.35
BUX	11/18/2009 1:17:02 PM	20			Sales	(\$29.35)	\$2.95
BUX	11/12/2009 1:15:43 PM	24			Sales	(\$51.78)	\$32.30
BUX	11/9/2009 9:54:19 AM	JIPP1009			Payroll - IPP	\$23.80	\$84.08
BUX	11/9/2009 9:53:50 AM	JIPP1009			Payroll - IPP	\$25.00	\$60.28
BUX	11/4/2009 1:03:05 PM	13			Sales	(\$43.73)	\$35.28
BUX	10/28/2009 1:31:30 PM	14			Sales	(\$121.39)	\$79.01
BUX	10/24/2009 5:12:01 AM	70144601			Lockbox - CD	\$200.00	\$200.40
BUX	10/21/2009 1:22:58 PM	22			Sales	(\$6.55)	\$0.40
BUX	10/14/2009 1:42:11 PM	19			Sales	(\$83.25)	\$6.95
BUX	10/9/2009 8:34:03 AM	JIPP0909			Payroll - IPP	\$22.10	\$90.20
BUX	10/9/2009 8:33:35 AM	JIPP0909			Payroll - IPP	\$67.56	\$68.10
BUX	9/23/2009 1:41:53 PM	32			Sales	(\$2.50)	\$0.54
BUX	9/23/2009 1:35:22 PM	26			Sales	(\$6.70)	\$3.04
BUX	9/23/2009 1:33:58 PM	25			Sales	(\$15.98)	\$9.74
BUX	9/16/2009 1:11:02 PM	15			Sales	(\$87.53)	\$25.72
BUX	9/9/2009 8:48:03 AM	IIPP0809			Payroll - IPP	\$27.20	\$113.25

BUX	8/9/2009 8:47:37 AM	IIPP0809	Payroll - IPP	\$45.60	\$86.05
BUX	8/27/2009 5:09:47 AM	70140601	Lockbox - CD	\$40.00	\$40.45
BUX	8/19/2009 1:12:19 PM	15	Sales	(\$4.40)	\$0.45
BUX	8/19/2009 1:11:42 PM	14	Sales	(\$15.65)	\$4.85
BUX	8/12/2009 1:27:57 PM	28	Sales	(\$74.75)	\$20.50
BUX	8/10/2009 10:00:37 AM	IIPP0709	Payroll - IPP	\$39.15	\$95.25
BUX	8/10/2009 10:00:00 AM	IIPP0709	Payroll - IPP	\$55.70	\$56.10
BUX	7/22/2009 1:00:51 PM	20	Sales	(\$2.20)	\$0.40
BUX	7/22/2009 12:59:12 PM	19	Sales	(\$16.16)	\$2.60
BUX	7/15/2009 1:06:55 PM	14	Sales	(\$82.68)	\$18.76
BUX	7/10/2009 10:03:14 AM	IIPP0609	Payroll - IPP	\$46.40	\$101.44
BUX	7/10/2009 10:02:46 AM	IIPP0609	Payroll - IPP	\$54.01	\$55.04

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Total Transactions: 45

Totals: (\$0.62) \$0.00

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
BUX	\$0.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.41
Totals:	\$0.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.41

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	Natioanal 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
\$619.09	\$619.22	\$22.56	\$58.37	\$4.73	N/A	N/A

AUTHORIZATION

I, ROBERT W. FISCH, request and authorize the agency holding me in custody to prepare for the Clerk of the United States District Court for the District of Alaska, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) activity at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust fund account (or institutional equivalent) pursuant to any future orders issued by the Court relating to this civil action in accordance with 28 U.S.C. § 1915(b).

4/13/10
DATE

[Signature]
SIGNATURE OF APPLICANT

ROBERT FISCH
COMMITTED NAME OF APPLICANT
(Type or Print)

07820-081
INMATE NO.

CERTIFICATION AND CALCULATION

(To be completed by the Department of Corrections)

I certify that the applicant named herein has the (available) sum of \$.41[¢] on account to his/her credit at FCS Butler I, North Carolina (name of institution).

I further certify that during the past six months the applicant's average monthly balance was \$ 22.56.

I further certify that during the past six months the average monthly deposits to the applicant's account was \$ 619.09.

Please attach certified copy of applicant's account statement showing transactions for past six months.

3/31/10
DATE

[Signature] N. Weaver
SIGNATURE OF AUTHORIZED OFFICER

Case manager FEDERAL Bureau of Prisons
TITLE and NAME OF AGENCY